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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	DEFENDANT'S CONCISE STATEMENT
)	OF THE CASE; CERTIFICATE OF
v.)	SERVICE
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendant.)	
)	
_____)	

DEFENDANT'S CONCISE STATEMENT OF THE CASE

Defendant Michael Chertoff, in his capacity as Secretary of the Department of Homeland Security, hereby submits his proposed Concise Statement of the Case.

In 2003, plaintiff Raymond Ware was a screening supervisor for the Transportation Security Administration ("TSA") at Honolulu International Airport. He applied for a promotion to the position of screening manager. He contends that the decision

not to promote was based on his race and on the fact that he had previously filed an Equal Employment Opportunity complaint. TSA contends that plaintiff was not promoted because the deciding officials believed that he was not among the top three applicants for the promotion and because a number of his supervisors expressed concerns about his job performance.

DATED: January 22, 2008, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By /s/ Thomas A. Helper
THOMAS A. HELPER
Assistant U.S. Attorney

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,)	CIVIL NO. 04-00671 HG LEK
)	
Plaintiff,)	CERTIFICATE OF SERVICE
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
Defendant.)	
)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served Electronically through CM/ECF:

Daphne E. Barbee
desekmet@aloha.net

January 22, 2008

DATED: January 22, 2008, at Honolulu, Hawaii.

/s/ Coleen Tasaka-Shoda
